

Appl. No. : 09/767,207  
Filed : January 22, 2001

**REMARKS**

Claims 56-65 and 67-72 stand rejected. Applicant has amended Claims 51-56, 58, 61, and 67. Thus, Claims 51-65 and 67-72 are pending in the application and are presented for reconsideration and further examination in view of the amendments and the following remarks.

**Interview Summary**

Applicant would like to thank Examiners Schell and Sirmons for taking the time to meet and discuss the outstanding Office Action in a personal interview with counsel for Applicant on September 15, 2006. During the interview, the applied prior art was generally discussed. Applicant proposed adding language directed to the spin nut and how the spin nut need not be deformed (i.e. compressed into an oval shape) to transfer forces to the connector fitting.

A second limitation was also discussed. Applicant proposed adding language directed to the radially extending member and how the radially extending member aligns with the varying cross section of the receptacle. Accordingly, Applicant has amended the rejected claims to include language directed to the first or second limitation.

**Rejection under §35 U.S.C. §102(b) over Utterberg (U.S. Patent No. 5,047,021) or under §35 U.S.C. §103(a) over Utterberg in view of either U.S. Patent No. 4,150,673 to Watt or U.S. Patent No. 5,578,013 to Bierman**

The Examiner rejected independent Claims 56, 61, 64, and 67 as anticipated by U.S. Patent No. 5,047,021 ("021 patent") to Utterberg. The other independent Claims 51-55 were rejected as being obvious over Utterberg in view of either U.S. Patent No. 4,150,673 to Watt or U.S. Patent No. 5,578,013 to Bierman.

**Claims 51, 53-56, and 67**

In the Office Action, the Examiner cited the '021 patent for disclosing a connector fitting for releasably securing a medical line to an adapter. However, the structure disclosed in the '021 patent is different than the connector fitting and spin nut structures of, for example, Claim 51.

The Office Action identified annular locking ridge 312 on the ring 320 as a radially extending member (see Figure 6 of the '021 patent). The Office Action then identified end face 332 as a contact surface on the male nozzle 300 (see Figure 5 of the '021 patent). However, the annular locking ridge 312 on the ring 320 does not transfer rotational motion to the end face 332

Appl. No. : 09/767,207  
Filed : January 22, 2001

on the nozzle 300 when in contact with each other as illustrated in Figure 7. This is because the "locking ring has complete freedom to rotate about the nozzle axis." Column 4, lines 44-45. "Since locking ring 320 is free to rotate about nozzle 300 (and female luer lock 5), a user may conveniently advance threads 326 along lugs 15 by twisting ring 320 in a first direction (clockwise, if threads 326 are "right-handed") about the common longitudinal axis of nozzle 300 and luer lock 5." Column 6, lines 44-49. Utterberg does not describe how a user might transfer rotational forces from the ring 320 to the nozzle 300 when the ring 320 is positioned as illustrated in Figure 7 on the nozzle 300.

The device in Utterberg is described as transferring rotational motion from the ring 320 to the nozzle 300 when the ring 320 is positioned as illustrated in Figure 6. When the ring 320 is in the position illustrated in Figure 6, a user forcibly depresses the flange 330 of the ring 320 (see Figure 8) to frictionally engage the flange 330 with the nozzle 300. "In order to disconnect the device of FIGS. 6-8 from female luer lock 5, a user will depress flange 330 radially inward, so that its end surface 331 is radially within the outer surface of ridge 312 (as shown in FIG. 8), and then twist ring 320 in the opposite direction (counterclockwise, if threads 326 are "right-handed"). With flange 330 depressed in this manner, the force exerted by ring 320 on nozzle 300 will cause the untwisting force applied to ring 320 to be transformed into a push-off force tending to decouple the female fitting from the inventive male fitting." Column 6 lines 50-60. Thus, in addition to not describing how a user could transfer rotational forces between the ring 320 and the nozzle 300 when the ring 320 is positioned as illustrated in Figure 7, even when the ring 320 is positioned as illustrated in Figure 6 a user must forcibly depress the flange 330 to frictionally engage the ring 320 against the nozzle 300.

In contrast, amended Claims 51 is directed to a fitting that includes, among other elements, a spin nut having "at least one contact surface configured and arranged to interact with the at least one contact surface of the radially extending member when the receptacle receives at least a portion of the radially extending member so as to transfer both axial and rotational forces between the spin nut and the connector fitting without deforming the spin nut in a direction towards the longitudinal axis." The '021 patent fails to disclose, *inter alia*, this claimed structural limitation.

Similarly, the '021 patent does not show the structure set forth in Claim 53 through 56. For example, amended Claim 53 is directed to a fitting that includes, among other elements, a

Appl. No. : 09/767,207  
Filed : January 22, 2001

spin nut having “at least one contact surface configured and arranged to interact with the at least one contact surface of the radially extending member when the receptacle receives at least a portion of the radially extending member so as to transfer both axial and rotational forces between the spin nut and the connector fitting without deforming the spin nut.” Amended Claims 54 and 55 are directed to fittings that include, among other elements, a spin nut having “at least one contact surface configured and arranged to interact with the at least one contact surface of the radially extending member when the receptacle receives at least a portion of the radially extending member so as to transfer both axial and rotational forces between the spin nut and the connector fitting without deforming the generally tubular body of the spin nut.” Amended Claim 56 is directed to a fitting that includes, among other elements, “at least one contact member disposed on the first section of the elongated body and extending outwardly and generally in an axial direction” and a spin nut having “at least one contact surface being disposed within the receptacle and extending inwardly in an axial direction, the at least one contact surface configured and arranged to interact with the at least one contact surface of the contact member when the receptacle receives at least a portion of the contact member so as to transfer both axial and rotational forces between the spin nut and the connector fitting while limiting distal longitudinal movement of the spin nut relative to the elongated body.”

Amended Claim 67 includes, among other elements, “the at least one contact surface of the spin nut configured and arranged to interact with the at least one contact surface of the radially extending member so as to transfer both axial and rotational forces between the spin nut and the connector fitting without deforming the second cavity portion and while limiting distal longitudinal movement of the spin nut relative to the elongated body.” The ‘021 patent fails to disclose, *inter alia*, this claimed structural limitation. Therefore, Applicant respectfully requests reconsideration of independent Claims 51, 53-56, and 67 as amended.

#### Claim 52

In the Office Action, the Examiner cited the ‘021 patent for disclosing the device substantially as claimed including “a receptacle (Fig.5, 330) disposed distally upon the spin nut” (Fig. 5, 320). However, the structure of the receptacle disclosed in the ‘021 patent is different than the recited structure of, for example, Claim 52.

As explained above, the flange 330 and ring 320 in the ‘021 patent rotate freely about the ridge 312 and the nozzle 300. Nowhere does the ‘021 patent disclose the inside of the flange 330

Appl. No. : 09/767,207  
Filed : January 22, 2001

or the outside of the ridge 312 on the nozzle 300 as having a shape other than a circular shape. Further, if the nozzle 300 had a non-circular shape, such a shape might inhibit the ring 320 from freely rotating about the nozzle 300 and would conflict with the teachings of the '021 patent.

In contrast, amended Claim 52 is directed to a fitting that includes, among other elements, a spin nut having a “a receptacle disposed distally upon the spin nut having an internal cross section which varies radially about its circumference, at least a portion of the radially extending member being adapted to be inserted into the receptacle of the spin nut so as to align with the portion of the receptacle having the varying cross section.” The '021 patent fails to disclose, *inter alia*, at least this claimed structural limitation. Therefore, Applicant respectfully requests reconsideration of independent Claim 52 as amended.

#### Claims 61

As explained above, the Office Action identified annular locking ridge 312 on the ring 320 as a radially extending member (see Figure 6 of the '021 patent). The Office Action further identified the surface 313 as being the contact surface. However, the surface 313 disclosed in the '021 patent is located on a different side of the ridge 312 than the contact surface recited in, for example, Claim 61, and further, does not perform the same function as the claimed contact surface.

As is illustrated in Figure 6, the contact surface 313 of the radially extending member on the nozzle 300 is perpendicular to the longitudinal axis of the nozzle 300 and parallel to the mating end surface 332 on the ring 320. Nowhere does the '021 patent disclose any other surface on the ridge 312 besides the surface 313 as being a contact surface with the ring 320.

In contrast, amended Claim 61 is directed to a fitting that includes, among other elements, a connector having “at least one radially extending member having an external cross section with at least one contact surface disposed on the periphery of the radially extending member and being generally aligned with a longitudinal axis of the elongated body.” The '021 patent fails to disclose, *inter alia*, at least this claimed structural limitation. Therefore, Applicant respectfully requests reconsideration of independent Claim 61 as amended.

#### Claim 64

In the Office Action, the Examiner did not specifically cite to the '021 patent for disclosing a spin nut or connector that has “multiple contact surfaces” when rejecting Claim 64. The only contact surface identified by the Examiner on the ring 320 was mating end surface 332.

Appl. No. : 09/767,207  
Filed : January 22, 2001

The only contact surface identified on the nozzle 300 was surface 313. Accordingly, neither the nozzle 300 nor the ring 320 has multiple contact surfaces.

In contrast, Claim 64 is directed to a fitting that includes, among other elements, a connector having “at least one radially extending member having multiple contact surfaces” and a spin nut “having multiple contact surfaces.” The ‘021 patent fails to disclose, *inter alia*, at least these claimed structural limitations. Therefore, Applicant respectfully requests reconsideration of independent Claim 64.

Dependent Claims

Dependent Claims 57-60, 62-63, 65, and 68-72 depend directly or indirectly from independent Claims 56, 61, 64 and 67 and thus are patentable for at least the same reasons that support the allowance of the claim from which they depend, as well as on their own merits.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

Any remarks in support of patentability of one claim should not be imputed to any other claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully traverses each of the Examiner’s rejections and each of the Examiner’s assertions regarding what the prior art discloses or teaches, even if not expressly discussed herein. Although changes to the claims have been made, no acquiescence or estoppel is or should be implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter.

Any claim amendments which are not specifically discussed in the above remarks are not made for patentability purposes, and it is believed that the claims would satisfy the statutory requirements for patentability without the entry of such amendments. Rather, these amendments have only been made to increase claim readability, to improve grammar, and to reduce the time and effort required of those in the art to clearly understand the scope of the claim language.

Appl. No. : 09/767,207  
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Applicant has not presented arguments concerning whether the applied references can be properly combined in view of the clearly missing elements noted above, and Applicant reserves the right to later contest whether a proper motivation and suggestion exists to combine these references.

The undersigned has made a good faith effort to respond to all of the noted rejections and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if an issue requires clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve any such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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